

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — TUESDAY, APRIL 5, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 265).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Harless.

Absent — Laubenberg.

The invocation was offered by Father Steven Gamez, pastor, St. Philip of Jesus Catholic Church, San Antonio, as follows:

Blessed are you, Lord, God of all creation, whose goodness fills our hearts with joy. Blessed are you, who have brought us together this day to work in harmony and peace. Strengthen us with your grace and wisdom. In you, Lord our God, all things have their beginning, continuation, and end. Grace us with your saving presence, aid us with your constant help. May everything we do begin with your inspiration so that all our prayers and works may begin in you and by you be happily ended. May God strengthen you and bring your work to completion. May hope accompany your journey through the days to come. May God's abiding presence be with you all the days of your life.

The speaker recognized Representative White who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Harless on motion of Hopson.

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Allen on motion of Thompson.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative White and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Marquez who presented Dr. David Palafox of El Paso as the "Doctor for the Day."

The house welcomed Dr. Palafox and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, April 7.

The motion prevailed.

(Keffer in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative Keffer who introduced Lance Armstrong, who briefly addressed the house.

(Hamilton in the chair)

HR 1183 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1183**.

The motion prevailed.

The following resolution was laid before the house:

HR 1183, In memory of Dr. Jesse Wallace Jackson, Jr.

HR 1183 was unanimously adopted by a rising vote.

**HR 1157 - ADOPTED
(by Shelton)**

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 1157**.

The motion prevailed.

The following resolution was laid before the house:

HR 1157, Honoring J. Luther King, Jr., of Fort Worth for his service as chair of the Texas Christian University Board of Trustees.

HR 1157 was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1157** as signers thereof.

HB 3837 - PERMISSION TO INTRODUCE

Representative Isaac requested permission to introduce and have placed on first reading **HB 3837**.

Permission to introduce was granted by (Record 266): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Garza; Laubenberg.

STATEMENT OF VOTE

When Record No. 266 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

**HR 881 - ADOPTED
(by Cain)**

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 881**.

The motion prevailed.

The following resolution was laid before the house:

HR 881, Recognizing April 6, 2011, as Lamar County Day at the State Capitol.

HR 881 was read and was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **HB 227** and **HB 1309** at 10:30 a.m. or upon adjournment today in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, 10:30 a.m. or upon adjournment today, JHR 120, for a public hearing, to consider **HB 227** and **HB 1309**.

Economic and Small Business Development, upon adjournment today, Desk 14, for a formal meeting, to consider **SB 309** and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence, Subcommittee on Torts, to consider **HB 274**, **HB 2031**, **HB 2437**, **HB 2661**, and **HB 3673** at 7:30 a.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary and Civil Jurisprudence, 9:30 a.m. tomorrow, E2.014, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, Subcommittee on Torts, 7:30 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 274**, **HB 2031**, **HB 2437**, **HB 2661**, and **HB 3673**.

(Laubenberg now present)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 716 ON THIRD READING
(by S. Miller, Christian, and Deshotel)**

HB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

HB 716 was passed by (Record 267): 133 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Burnam; Farrar; Hernandez Luna; Howard, D.; Lucio; Marquez; Martinez Fischer; Naishtat; Rodriguez; Strama; Veasey.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Torres.

STATEMENT OF VOTE

I was shown voting yes on Record No. 267. I intended to vote no.

Castro

REASON FOR VOTE

I voted against this bill because it does not provide adequate safety provisions.

Castro

HB 109 ON THIRD READING**(by Brown)**

HB 109, A bill to be entitled An Act relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

HB 109 was passed by (Record 268): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Guillen; Pickett.

HB 371 ON THIRD READING**(by Hochberg and Carter)**

HB 371, A bill to be entitled An Act relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

HB 371 was passed by (Record 269): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Dutton; Riddle.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Villarreal.

HB 252 ON THIRD READING (by Hilderbran)

HB 252, A bill to be entitled An Act relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

HB 252 was passed by (Record 270): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1165 ON SECOND READING
(by Keffer, Chisum, Landtroop, Darby, et al.)

HB 1165, A bill to be entitled An Act relating to the exemption of certain electric cooperatives from certain regulations.

HB 1165 was read second time on March 30 and was postponed until 10 a.m. today.

Representative Keffer moved to postpone consideration of **HB 1165** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 310 ON SECOND READING
(by T. King and Garza)

HB 310, A bill to be entitled An Act relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

HB 310 was read second time on March 30, postponed until March 31, and was again postponed until 10 a.m. today.

Representative T. King moved to postpone consideration of **HB 310** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 229 ON SECOND READING
(by Solomons)

HB 229, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

HB 229 was read second time on March 23, postponed until March 31, and was again postponed until 10 a.m. today.

Representative Solomons moved to postpone consideration of **HB 229** until 10 a.m. Tuesday, April 12.

The motion prevailed.

(Speaker in the chair)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 444 ON SECOND READING
(by Creighton)

CSHB 444, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

CSHB 444 was passed to engrossment.

CSHB 571 ON SECOND READING**(by Huberty, et al.)**

CSHB 571, A bill to be entitled An Act relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

CSHB 571 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TURNER: Let me just ask you, for legislative intent purposes on this bill—if this bill passes, Representative Huberty, is it your intent to allow cities to continue to apply and enforce any ordinances they currently have that regulate aggregate production operations within the city limits?

REPRESENTATIVE HUBERTY: Absolutely. Nothing in this bill is intended to limit the applicability of an existing city ordinance that regulates aggregate production operations at all.

TURNER: And is it your intent to prohibit cities from adopting ordinances in the future that regulate aggregate production operations?

HUBERTY: No, Representative Turner, this bill is not intended to preempt any city ordinances that are currently in existence or any city ordinance that may be adopted in the future at all.

REMARKS ORDERED PRINTED

Representative Turner moved to print remarks between Representative Huberty and Representative Turner.

The motion prevailed.

CSHB 571 was passed to engrossment. (Garza and Paxton recorded voting no.)

CSHB 610 ON SECOND READING**(by Zerwas, Murphy, Callegari, et al.)**

CSHB 610, A bill to be entitled An Act relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

Amendment No. 1

Representative Zerwas offered the following amendment to **CSHB 610**:

Amend **CSHB 610** (house committee printing) on page 1, line 18 by striking "The" and substituting "Notwithstanding any other law, the".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **CSHB 610**:

Amend **CSHB 610** (house committee printing), as follows:

(1) On page 1, line 6, strike "(a-1) and (a-2)" and substitute "(a-1), (a-2), and (a-3)".

(2) On page 2, between lines 1 and 2, insert the following:

(a-3) If the notice issued or sent under Subsection (a-2) concerns a permit for a facility, the notice must include an Internet link to an electronic map indicating the location of the facility.

Amendment No. 2 was adopted.

CSHB 610, as amended, was passed to engrossment.

HB 645 ON SECOND READING

(by Orr, et al.)

HB 645, A bill to be entitled An Act relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

HB 645 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OTTO: Representative Orr, I just want to get some legislative intent. I think you have a very good bill, but there was an issue that was raised in the HRO report about that this should be expanded to all charities. And, as I read your bill, if you are a recognized non-profit organization then your bill would apply, and that was your intent? Is that correct?

REPRESENTATIVE ORR: That is correct.

OTTO: So any recognized charity or non-profit would be able to have the person that's responsible for applying for the exemption to use the federal ID number for that entity. Is that your understanding?

ORR: Yes, sir, that's exactly correct.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Orr and Representative Otto.

The motion prevailed.

HB 645 was passed to engrossment.

HB 675 ON SECOND READING

(by Lucio, et al.)

HB 675, A bill to be entitled An Act relating to football helmet safety requirements in public schools.

HB 675 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEGLER: We talked a little bit here—my question on this—you know, we talked about an unfunded mandate for schools, and could you tell me a little more on how much, how many people—what percent of this will affect our state, roughly?

REPRESENTATIVE LUCIO: Well, again, if your school district goes out and purchases new helmets—they already do this, because they have to meet their warranty requirements, number one. Two—we're talking about trying to prevent, in our country, an average of 67,000 concussions that occur every year. The

biggest problem is not the first concussion, but that second concussion. And we have other bills we're working on—several members of this body—regarding addressing head injuries. Regarding school districts, I haven't had a single one call and tell me they have an issue with it. My school districts down there all said not a problem, we already do this, we want to protect our high school athletes.

LEGLER: And the question I asked you a while ago about UIL and couldn't they have done this on their own, and you made mention that they really were ambiguous on their answer—they didn't say yes, or they didn't say no, but they—

LUCIO: Exactly.

LEGLER: And you feel like since they couldn't come to a decision, it was best for us to make the decision for them.

LUCIO: Right, and this—again, minimal standards. We're talking about stuff that's already done that we hope to just bring home to say we want to protect. If you're going to have a football program—mind you, we don't mandate any school district to have a football program, nor do we include in curriculum that a student must play football—so if you're going to make the expense of having a football program, hiring coaches, telling parents we're going to do everything we can to protect your athletes—you should recondition the helmets. After 10 years, mind you. So this is going to be in use 10 years before they have to think about it with this bill.

REMARKS ORDERED PRINTED

Representative Legler moved to print remarks between Representative Lucio and Representative Legler.

The motion prevailed.

HB 675 was passed to engrossment. (Aycock, Cain, Callegari, Darby, Garza, S. Miller, Paxton, Phillips, and Simpson recorded voting no.)

REASON FOR VOTE

This creates a mandate that a local district can act on without state law.

Simpson

HB 690 ON SECOND READING (by Martinez Fischer and Hartnett)

HB 690, A bill to be entitled An Act relating to the punishment for the offense of graffiti.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 690**:

Amend **HB 690** (house committee printing) as follows:

- (1) On page 1, line 9, strike "or property".
- (2) On page 1, lines 15-16, strike the text and substitute the following:

(2-a) "Historic structure" means a structure that:

(A) is publicly owned and included on the National Register of Historic Places;

(B) is designated as a Recorded Texas Historic Landmark; or

(C) is designated as a State Archeological Landmark.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farias offered the following amendment to **HB 690**:

Amend **HB 690** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 54.0481, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] juvenile court, in a disposition hearing under Section 54.04 regarding a child who has been adjudicated to have engaged in delinquent conduct that violates Section 28.08, Penal Code:

(1) may order the child or a parent or other person responsible for the child's support to make restitution by:

(A) reimbursing the owner of the property for the cost of restoring the property; or

(B) with the consent of the owner of the property, personally restoring the property by removing or painting over any markings the child made; and

(2) if the child made markings on public property, a street sign, or an official traffic-control device in violation of Section 28.08, Penal Code, may order the child or a parent or other person responsible for the child's support to:

(A) make to the political subdivision that owns the public property or erected the street sign or official traffic-control device restitution in an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the public property, street sign, or official traffic-control device; or

(B) with the consent of the political subdivision, restore the public property, street sign, or official traffic-control device by removing or painting over any markings made by the child on the property, sign, or device.

(a-1) A juvenile court, in a disposition hearing described by Subsection (a) involving a child who has previously been adjudicated for having engaged in delinquent conduct that violates Section 28.08, Penal Code, in addition to any other disposition ordered, if the child made markings on a historic structure or other property described in Section 28.08(d), Penal Code, or private property, shall order the child and the parent or other person responsible for the child's support to make restitution by personally restoring the property by removing or painting over any markings the child made, with the consent of the owner of the property.

(a-2) A juvenile court may not require that a child or a child's parent or other person responsible for the child's support personally restore the property under this section if:

(1) the child, parent, or other person is physically or mentally incapable of participating in the restoration; or

(2) the restoration is inherently dangerous or would otherwise endanger the health or safety of the child, parent, or other person.

SECTION _____. The change in law made by this Act to Section 54.0481, Family Code, applies only to conduct violating a penal law that occurs on or after the effective date of this Act. Conduct violating a penal law that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.

Amendment No. 2 was adopted.

HB 690, as amended, was passed to engrossment.

HB 755 ON SECOND READING
(by Cook)

HB 755, A bill to be entitled An Act relating to eligibility of certain dependents for coverage under the state employee group benefits program.

HB 755 was passed to engrossment. (Garza recorded voting no.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of personal business in the district:

Woolley on motion of Kleinschmidt.

CSHB 849 ON SECOND READING
(by S. Miller)

CSHB 849, A bill to be entitled An Act relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

CSHB 849 was passed to engrossment.

HB 942 ON SECOND READING
(by Dukes, et al.)

HB 942, A bill to be entitled An Act relating to an exemption for school districts from security for court costs and appeal bond.

HB 942 was passed to engrossment.

HB 989 ON SECOND READING
(by Kolkhorst)

HB 989, A bill to be entitled An Act relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

HB 989 was passed to engrossment. (Garza and White recorded voting no.)

HB 1210 ON SECOND READING**(by L. Taylor)**

HB 1210, A bill to be entitled An Act relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

Representative L. Taylor moved to postpone consideration of **HB 1210** until 10 a.m. Monday, April 11.

The motion prevailed.

CSHB 1300 ON SECOND READING**(by Guillen, Frullo, and Farias)**

CSHB 1300, A bill to be entitled An Act relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

CSHB 1300 was passed to engrossment.

HB 1405 ON SECOND READING**(by Smithee, Hardcastle, Eiland, and Nash)**

HB 1405, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 1405**:

Amend **HB 1405** (house committee printing) as follows:

(1) On page 3, line 6, strike "or" and substitute "[~~or~~]".

(2) On page 3, line 11, between "Section 1369.052" and the period, insert the following:

;

(6) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(7) a Medicaid managed care program operated under Chapter 533, Government Code, or a Medicaid program operated under Chapter 32, Human Resources Code

Amendment No. 1 was adopted.

HB 1405, as amended, was passed to engrossment. (White recorded voting no.)

HB 1732 ON SECOND READING**(by Ritter)**

HB 1732, A bill to be entitled An Act relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

HB 1732 was passed to engrossment.

HB 1970 ON SECOND READING
(by Jackson)

HB 1970, A bill to be entitled An Act relating to the periodic review of the child support guidelines.

Representative Jackson moved to postpone consideration of **HB 1970** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 2124 ON SECOND READING
(by Workman, et al.)

HB 2124, A bill to be entitled An Act relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

Amendment No. 1

Representative D. Howard offered the following amendment to **HB 2124**:

Amend **HB 2124** as follows:

(1) Delete Section 1 of the bill, and replace it with the following:

SECTION 1. Section 4(d)(8), Article 46.03, Code of Criminal Procedure, is transferred to Subchapter A, Chapter 46C, Code of Criminal Procedure, redesignated as Article 46C.003, Code of Criminal Procedure, and amended to read as follows:

Art. 46C.003. VICTIM NOTIFICATION OF RELEASE ~~[(8) — Victim Notification of Release]~~. If the court issues an order ~~[under Subdivision (4) or (5)]~~ that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, shall ~~[provide name, address, and phone number information to the Texas Department of Criminal Justice victim services division to enable the person to]~~ notify the victim or the victim's guardian or close relative of the release. ~~[The victim services division shall notify any victim or guardian or close relative named in the victim impact statement or other information.]~~ Notwithstanding Article 56.03(f), the clerk of the court may inspect a victim impact statement for the purpose of notification under this article ~~[subdivision]~~.

Amendment No. 1 was adopted.

HB 2124, as amended, was passed to engrossment.

HB 2154 ON SECOND READING
(by Eiland)

HB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 2154**:

Amend **HB 2154** (house committee printing) on page 1, line 17, by striking "four" and substituting "eight [~~four~~]".

Amendment No. 1 was adopted.

HB 2154, as amended, was passed to engrossment. (White recorded voting no.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 68

(by Hunter, Thompson, Martinez Fischer, Cook, Jackson, et al.)

HCR 68, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

HCR 68 was adopted by (Record 271): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Harless; Woolley.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, upon adjournment today, Agricultural Museum (1W.14), for a formal meeting, to set a calendar.

Licensing and Administrative Procedures, upon adjournment today, Desk 122, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider **SB 312** and pending business.

County Affairs, upon adjournment today, 3W.9, for a formal meeting, to consider pending business.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative Rodriguez moved that the house adjourn until 10 a.m. tomorrow in memory of Vecina Farrar.

The motion prevailed.

The house accordingly, at 11:46 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1423 (By Garza), Relating to restrictions on written information required to be provided by public school teachers and a study by the commissioner of education concerning implementation of the restrictions.

To Government Efficiency and Reform.

HB 2010 (By Smithee), Relating to indemnification provisions in construction contracts.

To Insurance.

HB 3244 (By Elkins), Relating to shareholder standing after mergers.

To Business and Industry.

HB 3247 (By Elkins), Relating to the board of directors of the Texas Mutual Insurance Company.

To State Affairs.

List No. 2

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 361 to Insurance.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 5, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 64 Aycock SPONSOR: Fraser
Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

HCR 65 Aycock SPONSOR: Fraser
Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

HCR 150 Branch SPONSOR: Carona
Honoring Sam Houston for his statesmanship on the 150th anniversary of his refusal to take the oath of allegiance to the Confederate States of America.

SB 76 Nelson
Relating to certain providers of subsidized child care.

SB 385 Williams
Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

SB 497 Jackson
Relating to the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation; providing an administrative penalty.

SB 655 Hegar
Relating to the abolition of the Railroad Commission of Texas, the creation of the Texas Oil and Gas Commission, and the transfer of the powers and duties of the railroad commission to the oil and gas commission.

SB 871 Lucio

Relating to corrective action with regard to excessive or unfairly discriminatory residential property or personal automobile premium rates.

SB 875 Fraser

Relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass.

SB 899 Ogden

Relating to the legislature's consent or approval of a settlement of a claim or action against this state.

SB 990 Carona

Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

SB 1034 Watson

Relating to the authority of certain political subdivisions to change the date of their general elections.

SB 1133 Hegar

Relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

SB 1150 Seliger

Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

SB 1187 Watson

Relating to the effect of indexing notices of lis pendens.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 4

County Affairs - **HB 1694, HB 1700, HB 2964**

Criminal Jurisprudence - **HB 1106, HB 2385**

Economic and Small Business Development - **HB 735**

Higher Education - **HB 1000**

Homeland Security and Public Safety - **HB 90, HB 242, HB 588, HB 1075, HB 2257, HB 3619**

Judiciary and Civil Jurisprudence - **HB 627, HB 2015**

Natural Resources - **HB 648, HB 725, HB 960, HB 1464, HB 1819, HB 1944, HB 1945, HB 2162, HB 2182, HB 2296, HB 2670, HB 2794**

Public Health - **HB 300**

State Sovereignty, Select - **HB 5**

ENGROSSED

April 4 - HB 1

SENT TO THE GOVERNOR

April 4 - HCR 79, HCR 123, HCR 125